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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,631	03/28/2006	Giovanni Nicolosi	3652	5667

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

12/11/2008

EXAMINER

RAMSEY, JEREMY C

ART UNIT	PAPER NUMBER
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3634

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,631	Applicant(s) NICOLOSI, GIOVANNI	
	Examiner JEREMY C. RAMSEY	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The following office action is in response to the amendment filed on September 2, 2008. Claims 1, 2, 4 and 5 are pending in the application. Claims 3 and 6-9 are withdrawn.

Claim Objections

1. The previous objections to the claims are withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Gobain FR 1,313,315 in view of Petro 1,274,768, Myers et al 3,186,473 and Jelic 5,184,660.

4. In re claim 1, with reference to Figures 1,2 and 6 Saint Gobain '315 discloses a system for operating a plain blind comprising:

- A chamber enclosed by panes of glass (1)(2) surrounded by a frame (3) consisting side hollow bars and four corner pieces (12).
- One end being fixed to a blind roller (4) characterized in that the blind (6) is subjected to pulling action by devices (8)(9) acting on its other end.
- A first box supported inside said chamber (space between upper end of frame).

5. Saint Gobain '315 fails to disclose:

- An kinematic mechanism placed inside an oblong body of one corner piece comprising three mutually engaged pinions , one of these a first pinion axially connected to the blind roller .
- First pulling means inside the first box including a helical spring wound around a spring roller, axially connected to a second pinion of the kinematic mechanism by interposition of an intermediated idle third pinion.
- A second pulling means comprising a mobile bar fixed to a second end of the blind, a second box supported inside the chamber fixed to the second end of the frame, a cord having one end fixed to a center of the mobile bar and a second end fixed to a cord roller, a first pin axially engaged with a first end of the cord roller and a shaft of a rotating device disposed in the second box, and a threaded bushing fixed to a second end of said cord roller that screws into a threaded bar fixed to the frame.

6. With reference to Figure 1, 2 and 3 Petro '768 discloses:

- A kinematic mechanism comprising a pair of pinions (11)(10) aligned inside a cavity between to opposing walls of said oblong body (3)(14), one of these a first pinion (10) axially connected to the blind roller (7)
- First pulling means inside the first box including a helical spring (15) wound around a spring roller (12), axially connected to a second pinion (11) of the kinematic mechanism.

With reference to Figure 1, Myers et al '473 discloses:

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- A second pulling means fixed to a second end of the frame opposite a first end.

With reference to Figures 1, 2 and 5, Jelic '660 discloses:

- A pulling means comprising box (12), a cord (72) having one end fixed to a center of the mobile bar (80) and a second end fixed to a cord roller (34), a first pin (68) axially engaged with a first end of the cord roller and a shaft (48) of a rotating device (54) disposed in the second box, and a threaded bushing (36) fixed to a second end of said cord roller that screws into a threaded bar (32) fixed to the frame for translating the cord roller (34) axially.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the kinematic mechanism as taught by Petro '768 in order to allow the spring to be mounted adjacent to the roller such that should the spring break or get out of order it can be replaced or repaired. (column 1, lines 23-28)

7. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to include a third idle pinion between the first and second pinion in order to provide a greater or lower gearing affect as would be known in the art and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second pulling

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means at the second end of the frame as taught by Myers et al '473 in order to move the blind up and down in the casing frame.

9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second pulling means include the cord fixed to a mobile bar, with a threaded bushing fixed to a threaded bar as taught by Jelic '660 in order to allow the tube to be rotated until it can no longer travel in a longitudinal direction. (column 3, lines 48-56)

10. In re claim 2, with reference to Figures 1 and 5, Jelic '660 discloses:

- Comprising an arched support (44) held inside the box (12); the arched support (44) hooked to the center of the cord roller (34).

11. In re claim 3, with reference to Figure 1, Petro '768 discloses:

- Wherein another end of said helical spring (15) is connected to a fixed support (4) inside the first box.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Gobain FR 1,313,315 ,Petro 1,274,768, Myers et al 3,186,473 and Jelic 5,184,660 as applied to claim 1, and further in view of Rossini 6,715,528.

13. In re claim 5, the system of Saint Gobain/Petro/Myers et al/Jelic has been discussed but fails to disclose:

- Said rotating device includes a first magnetic disk and a second magnetic disc matched with the first magnetic disk through a pane that is rotated by external operating means.

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14. With reference to Figures 1-3 and 6-9, Rossini '528 discloses:

- Said rotating device includes a first magnetic disk (20) and a second magnetic disc (39) matched with the first magnetic disk through a pane (13) that is rotated by external operating means (37).

15.

16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the first and second magnetic disks rotated by an external means as taught by Rossini '528 in order to provide an actuation means adaptable to double glazing units. (column 1, lines 35-38).

Response to Arguments

1. Applicant's arguments with respect to claim 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
Unit 3634

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/Jeremy C Ramsey/
Examiner, Art Unit 3634